

**IN THE UNITED STATES DISTRICT FOR  
THE SOUTHERN DISTRICT OF OHIO  
DAYTON DIVISION**

**JOSHUA ROBERTS** and  
**DEBORAH CHONG**, individually  
and on behalf of **N.R.**, their Minor  
Child,

Plaintiffs

vs.

**UNITED STATES OF AMERICA,**

Defendant

**NO. 3:19-CV-00202-TMR**

**UNOPPOSED MOTION TO APPOINT A GUARDIAN AD  
LITEM**

Plaintiffs request the Court appoint Michael A. Renne as guardian ad litem for minor child N.R., for the limited purpose of reviewing a settlement agreement affecting the resolution of this case and ensuring no conflict of interest exists.

**BACKGROUND**

This is a medical malpractice case. Plaintiffs allege that minor child N.R. suffered severe and irreversible injury during labor and delivery at Basset Army Community Hospital on or around November 26, 2014. His parents, Joshua Roberts and Deborah Chong, filed this lawsuit individually and on behalf of N.R.

On November 7, 2016, Plaintiffs notified the United States and formally presented their administrative claim as a prerequisite to filing suit. On July 9, 2019, Plaintiffs filed their lawsuit against the United States.

The Parties to this lawsuit reached a proposed settlement that requires the Court's approval prior to review and decision by the Attorney General or his designee. Because N.R. is a minor child, Plaintiffs request that the Court appoint a guardian ad litem to protect the interests of N.R. for the limited purpose of reviewing the settlement agreement and ensuring no conflict of interest exists.

## ANALYSIS

Under Fed. R. Civ. P. 17(c), the Court may appoint a guardian ad litem in its discretion where the Court believes the appointment to be in the best interest of a disabled individual. *See also Scannavino v. Fla. Dep't of Corrections*, 242 F.R.D. 662, 666-67 (M.D. Fla. 2007). Here, both parents are recovering parties. As a term of settlement, the United States requires Plaintiffs to obtain court approval of the settlement. An independent guardian ad litem will help the Court determine whether the settlement is within the best interests of N.R.

Plaintiffs request the Court appoint Michael A. Renne, Dinsmore & Shohl LLP, 191 W. Nationwide Blvd., Suite 300, Columbus, Ohio 43215, as an appropriate guardian ad litem for N.R. Plaintiffs have conferred with the United States and they do not oppose the appointment. Mr. Renne is licensed attorney in Ohio and has significant experience in handling these types of lawsuits, as well as mediating and resolving these lawsuits. Plaintiffs

reached out to Mr. Renne and he is willing to accept this appointment as guardian ad litem, should the Court approve this motion. Plaintiffs have also conferred with the United States, and it does not oppose the appointment of Mr. Renne for this limited purpose.

### **CONCLUSION**

Plaintiffs request that the Court appoint Michael A. Renne as guardian ad litem to review the settlement in the above styled case and report to the Court on his review.

Respectfully Submitted,

/s/ Jamal K. Alsaffar

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Attorneys for the Plaintiff

## **CERTIFICATE OF SERVICE**

By my signature above, I certify that a copy of this pleading, Plaintiffs' Motion, has been sent to the following on March 4, 2021 via the Court's CM/ECF notice system.

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